AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

THE NATIONAL ARCHIVES OF THE UNITED STATES
LITTERA SCRIPTA MANET
1934

FEDERAL REGISTER

VOLUME 12 NUMBER 9

Washington, Tuesday, January 14, 1947

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9819

APPOINTMENT OF THE MEMBERS AND THE ALTERNATE MEMBER OF A MILITARY TRIBUNAL ESTABLISHED FOR THE TRIAL AND PUNISHMENT OF MAJOR WAR CRIMINALS IN GERMANY

By virtue of the authority vested in me by the Constitution and the statutes, and as President of the United States and Commander in Chief of the Army and Navy of the United States, it is ordered as follows:

1. I hereby designate Fitzroy Donald Phillips, Judge of a Superior Court in the State of North Carolina, Robert Morrell Toms, Judge of the Third Judicial Circuit Court, Detroit, Michigan, and Captain Michael A. Musmanno, (S), USNR, O86622, as the members, and John Joshua Speight as the alternate member, of one of the several military tribunals established by the Military Governor for the United States Zone of Occupation within Germany pursuant to the quadripartite agreement of the Control Council for Germany, enacted December 20, 1945, as Control Council Law No. 10, and pursuant to Articles 10 and 11 of the Charter of the International Military Tribunal, which Tribunal was established by the Government of the United States of America, the Provisional Government of the French Republic, the Government of the United Kingdom of Great Britain and Northern Ireland, and the Government of the Union of Soviet Socialist Republics, for the trial and punishment of major war criminals of the European Axis. Such members and alternate member may, at the direction of the Military Governor of the United States Zone of Occupation, serve on any of the several military tribunals above mentioned.

2. The functions of these Tribunals being essentially military, Captain Musmanno will, during the tenure of this assignment, be subject to War Department orders, through the Commanding General of the European Theater, and will retain his status as an officer on the active list of the United States Naval Reserve.

3. The members and the alternate member herein designated shall receive such compensation and allowances for expenses as may be determined by the Secretary of War and as may be payable from appropriations or funds available to the War Department for such purposes, except that Captain Musmanno shall receive such compensation and allowances for expenses to which he may be entitled by reason of his military rank and service and as may be payable from appropriations or funds available to the Navy Department for such purposes.

4. The Secretary of State, the Secretary of War, the Attorney General, and the Secretary of the Navy are authorized to provide appropriate assistance to the members and the alternate member herein designated in the performance of their duties and may assign or detail such personnel under their respective jurisdictions, including members of the armed forces, as may be requested for the purpose. Personnel so assigned or detailed shall receive such compensation and allowances for expenses as may be determined by the Secretary of War and as may be payable from appropriations or funds available to the War Department for such purposes, except that personnel assigned or detailed from the Navy Department shall receive such compensation and allowances for expenses to which they may be entitled by reason of their military rank and service and as may be payable from appropriations or funds available to the Navy Department for such purposes.

HARRY S. TRUMAN

THE WHITE HOUSE,
January 10, 1947.

[F. R. Doc. 47-353; Filed, Jan. 13, 1947; 10:06 a. m.]

EXECUTIVE ORDER 9820

SEGREGATION OF THE FUNCTIONS OF THE HOUSING EXPEDITER FROM THE FUNCTIONS OF THE NATIONAL HOUSING ADMINISTRATOR

WHEREAS an existing official of the Government, namely, the National Housing Administrator, was appointed initially to serve as Housing Expediter within the National Housing Agency; and

(Continued on next page)

CONTENTS

THE PRESIDENT

Executive Orders Page
Housing Expediter and National Housing Administrator; segregation of functions 205
National Housing Agency, consolidation of housing agencies and functions of Government; amendment 207
Trial and punishment of major war criminals in Germany; appointment of members and alternate member of military tribunal 205

EXECUTIVE AGENCIES

Alien Property, Office of
Notices:
Vested property, transfer to Philippine Alien Property Administrator 215

Census Bureau
Rules and regulations:
Foreign trade statistics; export declarations 208

Civil Service Commission
Rules and regulations:
Appeals of preference eligibles under Veterans Preference Act; miscellaneous amendments 207

Federal Public Housing Authority
Rules and regulations:
Low rent housing and slum clearance, policy; definition of terms 208

Food and Drug Administration
Rules and regulations:
Antibiotic drugs, tests and methods of assay; penicillin 208
Penicillin-containing drugs, certification of batches 208

Housing Expediter, Office of
Rules and regulations:
Priorities under Veterans' Emergency Housing Act; prefabricated housing 209
Segregation of functions from National Housing Administrator 209

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

NOTICE

General notices of proposed rule making, published pursuant to section 4 (a) of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 238), which were carried under "Notices" prior to January 1, 1947, are now presented in a new section entitled "Proposed Rule Making". Relationship of these documents to material in the Code of Federal Regulations, formerly shown by cross reference under the appropriate Title, is now indicated by a bold-face citation in brackets at the head of each document.

CONTENTS—Continued

Interstate Commerce Commission — Page
Notices:
Perishables, reconsignment at Philadelphia, Pa. — 216
Rules and regulations:
Car service; restriction of corn for export through Gulf ports — 214

National Housing Agency
Rules and regulations:
Segregation of Housing Expediter Office; appointment of Administrator — 209

Price Administration, Office of
Rules and regulations:
Hearing Administrator and Hearing Commissioners; delegation of authority (Gen. Order 76) — 213

Scientific Research and Development, Office of — Page
Rules and regulations:
Organization; principal subdivisions and delegations of authority — 214

Solid Fuels Administration for War
Rules and regulations:
Coal, bituminous; interim direction to shippers — 212

War Department
Rules and regulations:
National Guard, Warrant officers — 212

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such in parentheses.

Title 3—The President — Page
Chapter II—Executive Orders:
9070 [1] — 205, 207
9819 — 205
9820 — 205
9821 — 207

Title 5—Administrative Personnel
Chapter I—Civil Service Commission:
Part 22—Appeals of preference eligibles under Veterans Preference Act, 1944 — 207

Title 15—Commerce
Chapter I—Bureau of the Census:
Part 30—Foreign trade statistics — 208

Title 21—Food and Drugs
Chapter I—Food and Drug Administration:
Part 141—Tests and methods of assay for antibiotic drugs — 208
Part 146—Certification of batches of penicillin-containing drugs — 208

Title 24—Housing Credit
Chapter VI—Federal Public Housing Authority:
Part 611—Low rent housing and slum clearance: policy — 208
Chapter VII—National Housing Agency — 209
Chapter VIII—Office of Housing Expediter — 209
Part 803—Priorities regulations under Veterans' Emergency Housing Act, 1946 — 209

Title 30—Mineral Resources
Chapter VI—Solid Fuels Administration for War:
Part 602—General orders and directives — 212

Title 32—National Defense
Chapter II—National Guard and State Guard:
Part 201—National Guard regulations — 212

[1] E. O. 9820, 9821.

CODIFICATION GUIDE—Con.

Title 32—National Defense—Continued — Page
Chapter XI—Office of Temporary Controls, Office of Price Administration:
NOTE: Regulations and orders appearing under this chapter are listed only in the Table of Contents, *supra*.
Chapter XVII—Office of Scientific Research and Development:
Part 1900—Organization — 214

Title 49—Transportation and Railroads
Chapter I—Interstate Commerce Commission:
Part 95—Car service — 214

WHEREAS the powers, functions, and duties of the Housing Expediter under the Veterans' Emergency Housing Act of 1946 (approved May 22, 1946) were merged with the powers, functions, and duties vested in the National Housing Administrator by Executive Order No. 9070 of February 24, 1942, the Lanham Act of October 14, 1940, and other statutes, and have been exercised and performed through the Office of the Administrator, National Housing Agency; and

WHEREAS the Housing Expediter was recently appointed as an independent officer of the Government, and it is necessary that his powers, functions, and duties be segregated so that they may be properly exercised and performed by him:

NOW, THEREFORE, by virtue of and pursuant to the authority vested in me by the said Veterans' Emergency Housing Act of 1946, and as President of the United States, it is hereby ordered, in the interest of the internal management of the Government, as follows:

1. All of the powers, functions, and duties of the Housing Expediter under the Veterans' Emergency Housing Act of 1946 which were merged with the powers, functions, and duties of the National Housing Administrator and exercised and performed through the Office of the Administrator, National Housing Agency, are hereby segregated and shall be exercised and performed by the Housing Expediter as an independent officer of the Government.

2. All personnel (as determined by joint certification by the Housing Expediter and the National Housing Administrator) appointed or transferred to positions which were required for the exercise and performance of the powers, functions, and duties of the Housing Expediter, as segregated by paragraph 1 of this order, are hereby transferred to the Office of the Housing Expediter for the exercise and performance of such powers, functions, and duties by the Housing Expediter as an independent officer of the Government: *Provided*, That with respect to the heads of offices and branches and special assistants in positions allocated to grade P–8 or grade CAF–15 who are engaged in the admin-

istration of functions of both the Housing Expediter and the National Housing Administrator, the transfer of any such personnel to the Office of the Housing Expediter or their retention in the Office of the National Housing Administrator shall be determined by joint certification by such Expediter and such Administrator. The joint certifications required by this section shall be made within 30 days from the date of this order.

3. All assets, contracts, and property, including office equipment and records, used or held in the administration, exercise, or performance of the powers, functions, and duties of the Housing Expediter, as segregated by paragraph 1 of this order, are hereby transferred to the Office of the Housing Expediter.

4. So much of the unexpended balances of appropriations, authorizations, allocations, or other funds available to the Office of the Administrator, National Housing Agency, for use in connection with the administration, exercise, or performance of the powers, functions, and duties of the Housing Expediter (as segregated by section 1 of this order) as the Director of the Bureau of the Budget shall determine shall be transferred to the Office of the Housing Expediter for use in connection with the said powers, functions, and duties. In determining the amount of funds to be transferred, the Director of the Bureau of the Budget may include an amount to provide for the liquidation of obligations incurred against such appropriations, authorizations, allocations, or other funds prior to transfer.

5. All unexpended balances of appropriations, authorizations, allocations, or other funds transferred under this order shall be used only for the respective purposes and in the administration of the respective functions for which such funds were made available.

6. Such further measures and dispositions as may be determined by the Director of the Bureau of the Budget to be necessary to effectuate the purposes and provisions of this order shall be carried out in such manner as the Director of the Bureau of the Budget may direct and by such agencies as he may designate.

HARRY S. TRUMAN

THE WHITE HOUSE,
January 11, 1947.

[F. R. Doc. 47-354; Filed, Jan. 13, 1947; 10:06 a. m.]

EXECUTIVE ORDER 9821

AMENDING EXECUTIVE ORDER NO. 9070 OF FEBRUARY 24, 1942, CONSOLIDATING THE HOUSING AGENCIES AND FUNCTIONS OF THE GOVERNMENT INTO THE NATIONAL HOUSING AGENCY

By virtue of the authority vested in me as President of the United States, and in the interest of the internal management of the Government, it is hereby ordered as follows:

1. Executive Order No. 9070 of February 24, 1942, consolidating the housing agencies and functions of the Government into the National Housing Agency, is hereby amended by deleting from the first sentence of paragraph 2 the comma and the words "and shall receive a salary of $12,000 a year unless the Congress shall otherwise provide," so that the sentence shall read "The National Housing Administrator shall be appointed by the President, by and with the advice and consent of the Senate."

2. This order shall be effective as of December 15, 1946.

HARRY S. TRUMAN

THE WHITE HOUSE,
January 11, 1947.

[F. R. Doc. 47-352; Filed, Jan. 13, 1947; 10:06 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 22—REGULATIONS GOVERNING APPEALS OF REFERENCE ELIGIBLES UNDER THE VETERANS PREFERENCE ACT OF 1944

MISCELLANEOUS AMENDMENTS

1. Paragraphs (b) and (c) of § 22.8 are amended to read as follows:

§ 22.8 *Investigations.* * * *

(b) *Manner of taking testimony.* Testimony of witnesses will be by affidavit, without any pledge of confidence, but where it is impracticable to obtain testimony under oath from a witness such statement will be obtained, without any pledge of confidence, from the witness as the circumstances will permit, and such weight will be given to the unsworn testimony as the record will warrant: *Provided, however,* That where the adverse action of the administrative officer with respect to the appellant was based on grounds raising a question of the appellant's loyalty to the Government of the United States, testimony and evidence will be obtained under a pledge of confidence and the source of the information secured will not be divulged.

(c) *Information obtained discussed with agency and with employee.* The evidence submitted by the employee in connection with his appeal will be discussed by the investigator of the Commission with the administrative officer who made the decision and other proper officials of the employing agency concerned, and such officials shall be requested to state their side of the case. Similarly, the employee should be informed of the information furnished by the officials of the agency and given the opportunity to insert his side of the case into the record of investigation: *Provided, however,* That in cases where the adverse action of the administrative officer with respect to the appellant was based on grounds raising a question of the appellant's loyalty to the Government of the United States, only such information should be furnished either party as will be consistent with the pledge of confidence attached to testimony and evidence in such cases.

2. Paragraph (c) of § 22.9 is amended to read as follows:

§ 22.9 *Hearings.* * * *

(c) *How conducted.* Hearings will be conducted by a representative of the Commission in an informal manner with an opportunity afforded for the introduction of evidence, including testimony and statements by the appellant and his designated representative and witnesses and representatives of the employing agency and witnesses, and for the cross-examination of witnesses; *Provided, however,* That where the adverse action of the administrative officers with respect to the appellant was based on grounds raising a question of the appellant's loyalty to the Government of the United States, the appellant will be accorded such hearing as will be consistent with the pledge of confidence attached to testimony and evidence in such cases.

3. Paragraphs (a) and (c) of § 22.10 are amended to read as follows:

§ 22.10 *Decision in the Commission—*(a) *By whom made; contents.* The decision on the appeal shall be made by the Chief Law Officer or the regional office, as appropriate, in a formal finding, consisting of an analysis of the evidence, the reasons for the conclusions reached and a recommendation for action to be taken by the employing agency concerned; *Provided, however,* That where the adverse action of the administrative officer with respect to the appellant was based on grounds raising a question of the appellant's loyalty to the Government of the United States, the case will, after investigation and hearing, be referred to the Loyalty Rating Board of the Commission in Washington, D. C., for consideration and recommendation to the Commissioners for their decision. The contents of the formal finding on such loyalty aspects in cases under section 14 will not contain information which will be inconsistent with the pledge of confidence attached to testimony and evidence in such cases.

* * * * *

(c) *Report by agencies to Commission of action taken or proposed to be taken on finding favorable to employee.* When the finding and recommendation is that the employee be restored to his position, or is otherwise favorable to the employee, the employing agency will, at the time the finding and recommendation is transmitted to it, be requested to report to the Chief Law Officer, the regional office or the Loyalty Rating Board, as the case may be, within seven (7) days of the receipt of such finding and recommendation, regarding the action taken or proposed to be taken by the employing agency.

4. Paragraph (a) of § 22.11 is amended to read as follows:

§ 22.11 *Further appeals to the Commission—*(a) *Time limit for filing.* An appeal may be made by the employee from a decision of the Chief Law Officer or Regional Office (and of the Commissioners in loyalty cases) to the Commissioners, the United States Civil Service Commission, within thirty (30) days of

the date of receipt of notification of the decision. An appeal may be made to the Commissioners by the employing agency within seven (7) days of the date of receipt of such notification.

5. These amendments shall be effective upon publication in the FEDERAL REGISTER.

NOTE: These amendments are intended to facilitate the processing of appeals under this part in which there is involved the question of the appellant's loyalty to the Government of the United States. Because of the importance of the availability of these procedures to appeals that may be currently pending the Commission finds that good cause exists for making them effective as of the date of publication in the FEDERAL REGISTER.

(Sec. 14, 58 Stat. 390; 5 U. S. C. Sup. 863)

[SEAL] THE UNITED STATES CIVIL SERVICE COMMISSION,
H. B. MITCHELL,
President.

[F. R. Doc. 47-309; Filed, Jan. 13, 1947; 8:50 a. m.]

TITLE 15—COMMERCE

Chapter I—Bureau of the Census, Department of Commerce

[Foreign Commerce Statistical Decision 58 [1]]

PART 30—FOREIGN TRADE STATISTICS

ARTICLES PLACED ABOARD VESSELS FOR CARE AND FEEDING OF LIVESTOCK EN ROUTE TO DESTINATION

§ 30.49 *Export declarations; articles placed aboard vessels for the care and feeding of livestock en route to destination.* (a) Foreign Commerce Statistical Decision 43,[2] issued August 13, 1943, provides that the Shipper's Export Declaration (Commerce Form 7525-V)[2] and the Defense Aid (Lend-Lease) Shipper's Export Declaration (Commerce Form 7525-DA-V)[2] will not be required for shipments of sea stores, ships' stores, vessel supplies and vessel equipment of the departing vessel.

(b) Hay, straw, feed and other appurtenances necessary to the care and feeding of livestock while en route on the ocean shall be considered part of the sea stores of the carrying vessel and the Shipper's Export Declaration will not be required for the portion consumed during the voyage.

(c) The Shipper's Export Declaration is, however, required for that portion which will remain after the voyage and will be delivered to the consignee. Estimated quantities, values, and shipping weights may be shown on export declarations covering the residual cargo. (32 Stat. 826; 5 U. S. C. 601)

Dated: January 8, 1947.

[SEAL] J. C. CAPT.
Director,
Bureau of the Census.

[F. R. Doc. 47-312; Filed, Jan. 13, 1947; 8:50 a. m.]

[1] 11 F. R. 13987.

[2] Not filed with the Division of the Federal Register.

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, as amended by 59 Stat. 463; 21 U. S. C., Sup. V, 357) the regulations for tests and methods of assay of antibiotic drugs (11 F. R. 12128), as amended, are hereby further amended as indicated below:

1. Paragraph (e) *Preparation of plates* of § 141.1 *Sodium penicillin, calcium penicillin and potassium penicillin; potency* is amended by inserting "and stored for 24 hours at room temperature" between "37° C." and "with" in the 14th sentence and is further amended by changing the 16th sentence to read: "Incubate 24 hours at 37° C. and store for 24 hours at room temperature".

2. Part 141 is amended by adding the following new section:

§ 141.19 *Buffered crystalline penicillin.* Proceed as directed in §§ 141.1, 141.2, 141.3, 141.4, 141.5, and 141.6.

This order, which provides for the marketing of a new penicillin product, shall become effective upon publication in the FEDERAL REGISTER since both the public and the penicillin industry will benefit by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order and would be contrary to the public interest, and I so find, since it was drawn in collaboration with interested members of the affected industry, and since it would be against public interest to delay the marketing of a new penicillin product.

(Sec. 507, 52 Stat. 1040, as amended, 59 Stat. 463; 21 U. S. C., Sup. 357)

Dated: January 8, 1947.

[SEAL] MAURICE COLLINS,
Acting Administrator.

[F. R. Doc. 47-310; Filed, Jan. 13, 1947; 8:48 a. m.]

PART 146—CERTIFICATION OF BATCHES OF PENICILLIN-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, as amended by 59 Stat. 463; 21 U. S. C., Sup. V, 357), the regulations for the certification of batches of penicillin-containing drugs (11 F. R. 12136), as amended, are hereby amended as indicated below:

1. Section 146.25 *Penicillin in oil and wax* is amended by deleting the words "potassium penicillin" wherever they appear and substituting therefor the words "crystalline penicillin".

2. Part 146 is amended by adding the following new section:

§ 146.37 *Buffered crystalline penicillin.* Buffered crystalline penicillin conforms to all requirements prescribed by § 146.24 for crystalline penicillin, and is subject to all procedures prescribed by such section for crystalline penicillin, except that:

(a) It contains the buffer sodium citrate in a quantity not less than 4.0 percent and not more than 5.0 percent by weight of its total solids; such sodium citrate conforms to the standards prescribed therefor by the U. S. P.;

(b) The circular or other labeling within or attached to the package, if it is packaged for dispensing, shall bear, in lieu of the statement prescribed for crystalline penicillin by § 146.24 (c) (3) (iii), the statement "Sterile solution may be kept in refrigerator for one week without significant loss of potency";

(c) A person who requests certification of a batch shall submit with his request a statement showing the quantity of sodium citrate used in making the batch, that such sodium citrate conforms to the requirements prescribed therefor by this section, and in case of an initial request for certification he shall submit an accurately representative sample of such sodium citrate consisting of approximately 5 grams; and

(d) The fee for the services rendered with respect to the sample of sodium citrate submitted in accordance with the requirements prescribed therefor by this section shall be $4.00.

This order, which provides for the marketing of a new penicillin product, shall become effective upon publication in the FEDERAL REGISTER since both the public and the penicillin industry will benefit by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order and would be contrary to the public interest, and I so find, since it was drawn in collaboration with interested members of the affected industry, and since it would be against public interest to delay the marketing of a new penicillin product.

(Sec. 507, 52 Stat. 1040, as amended, 59 Stat. 463; 21 U. S. C., Sup. 357)

Dated: January 8, 1947.

[SEAL] MAURICE COLLINS,
Acting Administrator.

[F. R. Doc. 47-311; Filed, Jan. 13, 1947; 8:49 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VI—Federal Public Housing Authority

PART 611—LOW-RENT HOUSING AND SLUM CLEARANCE: POLICY

DEFINITION OF TERMS

Section 611.1 (11 F. R. 177A-910) is amended, effective January 17, 1947, to read as follows:

§ 611.1 *Definition of terms.* Definitions as used in this statement of policy and in contracts of the FPHA are as follows:

(a) *Contract rent.* The term "contract rent" means the rent charged a tenant for use of the dwelling accommodation, equipment, services and utilities provided by the project. "Contract rent" does not include charges for a utility or fuel which may be purchased by the project and sold to tenants as a transaction separate from the payment of rent, charges for any excess utility consumption, or charges for dwelling furniture.

(b) *Gross rent.* The term "gross rent" means "contract rent" plus the estimated average monthly (or weekly, if rent is on a weekly basis) cost to the tenant of utilities not provided by the project.

(c) *Shelter rent.* The term "shelter rent," unless otherwise qualified, means the portion of "contract rent" exclusive of the charges or estimated charges for utilities furnished by the project. When properly qualified, however, the term may have other meanings; for example, "economic shelter rent" refers to that portion of economic rent exclusive of the cost to the project of utilities furnished by the project. (50 Stat. 888; 42 U. S. C. 1401–30)

[SEAL] D. S. MYER,
Commissioner.

Approved: January 6, 1947.

[F. R. Doc. 47-302; Filed, Jan. 13, 1947; 8:46 a. m.]

Chapter VII—National Housing Agency

SEGREGATION OF HOUSING EXPEDITER OFFICE; APPOINTMENT OF ADMINISTRATOR

CROSS REFERENCE: For segregation of the functions of the Housing Expediter from the functions of the National Housing Administrator, see Executive Order 9820, *supra;* and for an amendment of Executive Order 9070, relating to appointment of the National Housing Administrator, see Executive Order 9821, *supra.*

Chapter VIII—Office of the Housing Expediter

SEGREGATION OF FUNCTIONS FROM NATIONAL HOUSING ADMINISTRATOR

CROSS REFERENCE: For segregation of the functions of the Housing Expediter from the functions of the National Housing Administrator, see Executive Order 9820, *supra.*

[Priorities Reg. 6, as Amended]

PART 803—PRIORITIES REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

PREFABRICATED HOUSING

PURPOSE

Par.
(a) What this section provides.

DEFINITIONS

(b) Definitions.

PREFABRICATORS' APPLICATIONS FOR PRIORITIES ASSISTANCE

(c) Filing of applications.
(d) [Deleted January 10, 1947]

NHA CONSIDERATION OF APPLICATIONS

(e) VEHP use.
(f) Technical standards.
(g) Prefabricated panels.
(h) Prefabricated packages.
(i) Prefabricated sections.
(j) Production standards.

GRANTING OF AUTHORIZATION

(k) Nature of authorizations.
(l) Quantities authorized.

PREFABRICATORS' USE OF PRIORITIES ASSISTANCE

(m) Extending customers' ratings.
(n) Placing orders.
(o) Delivery date restrictions.
(p) Effect of orders placed by prefabricator.
(q) Use of materials.
(r) Disposal of materials.

SALES AND PURCHASE RESTRICTIONS

(s) Prefabricators' and dealers' sales.
(t) Dealers' purchases.
(u) Application by builder under HEPR 5.
(v) Application by builder under Housing Permit Regulation.

OTHER PROVISIONS

(w) Communications and appeals.
(x) Record-keeping requirements.
(y) Reporting requirements.
(z) Violations.

§ 803.6 *Prefabricated housing under the Veterans' Emergency Housing Program—*(a) *What this section provides.* Under this section, Housing Expediter Priorities Regulation 6, and previously under Direction 8 to CPA Priorities Regulation 33, priorities assistance was issued to prefabricators for certain materials to be used in the factory production of prefabricated sections, panels, and packages, under the Veterans' Emergency Housing Program. Since December 24, 1946 priorities assistance has no longer been granted under this section.

However, unless expressly provided otherwise by the Housing Expediter or the Civilian Production Administration, all the conditions and restrictions imposed on prefabricators and dealers by this section and other applicable NHA and CPA regulations are still in effect. This section explains which regulations and orders of the Civilian Production Administration control (1) the prefabricator's use of an HH rating under authorizations previously granted, (2) the materials which may be obtained with their use, (3) the use of materials so obtained, and (4) prefabricators' and dealers' sales of prefabricated houses, sections, panels, and packages.

DEFINITIONS

(b) *Definitions.* For the purpose of this section:

(1) "Prefabricator" means a person engaged in the business of manufacturing prefabricated houses, sections, panels, or packages.

(2) "Prefabricated house" means a house of which at least the exterior walls are formed by the assembly of prefabricated panels or sections as defined below. The term "prefabricated house" does not include house trailers.

(3) "Prefabricated section" means a house section which encloses living, storage or utility space on at least two sides, is manufactured in a factory, is transported to the building site without being taken apart, and is designed to be used in combination with one or more prefabricated sections, prefabricated panels or conventionally constructed elements to produce housing accommodations.

(4) "Prefabricated panel" means a floor, wall, partition, ceiling, roof or truss panel which is manufactured in a factory, is designed to be used in combination with one or more prefabricated sections, prefabricated panels, or conventionally constructed elements to produce a prefabricated house, and meets whichever of the following standards of minimum prefabrication is applicable:

(i) *Wood panels.* A prefabricated exterior wall panel constructed principally of wood shall consist of at least a completely assembled structural wood frame or panel core, with surfacing material or wall sheathing attached to at least one side.

A prefabricated partition, ceiling or truss panel constructed principally of wood shall consist of at least a completely assembled structural wood frame or panel core.

A prefabricated floor or roof panel constructed principally of wood shall consist of at least a completely assembled structural wood frame or panel core with surfacing material, subfloor or roof sheathing attached to at least one side.

(ii) *Metal panels.* A prefabricated exterior wall panel constructed principally of metal shall consist of at least (*a*) a completely assembled panel frame or core with surfacing material or wall sheathing attached to at least one side, (*b*) a specially fabricated sheet of metal designed to serve both sheathing and structural purposes, or (*c*) a combination of specially fabricated metal sheets and structural frame (or core) members, either assembled or unassembled, designed and fabricated for incorporation in a prefabricated house of a specific design.

A prefabricated floor, partition, ceiling, roof or truss panel constructed principally of metal shall consist of at least (*a*) a completely assembled panel frame

or core, (*b*) a specially fabricated metal sheet designed and fabricated for incorporation in a prefabricated house of a specific design, (*c*) specially fabricated structural frame (or core) members designed and fabricated for incorporation in a prefabricated house of a specific design, or (*d*) a combination of (*b*) and (*c*), either assembled or unassembled.

(iii) *Concrete panels.* A prefabricated exterior wall panel constructed principally of concrete shall consist of at least (*a*) a precast concrete slab having an area of 15 square feet or more on one surface or (*b*) a combination of such a precast concrete slab and structural framing members, either assembled or unassembled, designed and manufactured for incorporation in a prefabricated house of a specific design.

A prefabricated floor, partition, ceiling, roof or truss panel constructed principally of concrete shall consist of at least (*a*) a precast concrete slab having an area of 15 square feet or more on one surface, or (*b*) precast concrete structural panel frame (or core) members designed and manufactured for incorporation in a prefabricated house of a specific design, or (*c*) a combination of (*a*) and (*b*), either assembled or unassembled, designed and manufactured for incorporation in a prefabricated house of a specific design.

A prefabricated panel may, but need not, incorporate such items as window and door frames, sash, doors, builders' hardware, wiring, piping, etc.

(5) The terms "prefabricated section" and "prefabricated panel" do not include: (i) fabricated structural steel such as standard columns and standard beams or stock metal siding or roofing, etc., primarily designed for use in conventional construction, (ii) concrete blocks, precast joists, precast concrete panels and similar concrete items primarily designed for use in conventional construction, (iii) millwork, including kitchen cabinets, as defined in Order L–359 of the Civilian Production Administration, (iv) items of furniture and equipment not designed to be permanently attached to and made a part of a house, or (v) building materials cut to size and shape for assembly at the building site, if not specifically covered by the definitions in subparagraphs (3) and (4) of this paragraph.

(6) "Prefabricated package" means the aggregation of prefabricated sections and panels, building materials, and equipment which is shipped in a lot by a prefabricator, to be incorporated in a prefabricated house. (See paragraph (h) of this section on authorizations for loose materials and equipment to be included in a prefabricated package.)

(7) "Loose materials and equipment" included in a prefabricated package means the materials and equipment in the package which are not permanently attached to or incorporated in the prefabricated sections and panels comprising the rest of the package. "Loose materials and equipment" shipped with a prefabricated section means those which are not permanently attached to or incorporated in the prefabricated section at the time it is shipped.

(8) "Schedule A materials" means the items listed in Schedule A to Priorities Regulation 33 (§ 944.54) of the Civilian Production Administration. These are the items for which priorities assistance was given to prefabricators on or before December 24, 1946.

(9) A prefabricator's "approved production" for a particular quarter means the number of units which he can produce with the amount of the materials listed in paragraph (l) (1) of this section for which priorities assistance was authorized by the National Housing Agency for that quarter.

(10) "NHA" means the National Housing Agency.

(11) "CPA" means the Civilian Production Administration.

(12) "This section" means this regulation, Housing Expediter Priorities Regulation 6.

PREFABRICATORS' APPLICATIONS FOR PRIORITIES ASSISTANCE

(c) *Filing of applications.* Priorities assistance for "Schedule A materials" was issued under this section to prefabricators who made quarterly applications on Form NHA 14–53. The applications were filed with the National Housing Agency, Washington, D. C., which considered the applications for approval as explained in paragraphs (e) through (j) of this section. Applications for priorities assistance may no longer be filed under this section.

(d) [Deleted January 10, 1947.]

NHA CONSIDERATION OF APPLICATIONS

(e) *VEHP use.* Priorities assistance was given under this section only for quantities of Schedule A materials to be used fully in prefabricated housing under the Veterans' Emergency Housing Program.

(f) *Technical standards.* Priorities assistance was given under this section for Schedule A materials to be used for the following purposes only:

(1) The manufacture of prefabricated panels designed to be incorporated in prefabricated houses found by the National Housing Agency to meet standards of space, arrangement, and construction known as "HH Minimum Property Requirements."

(2) The making up of prefabricated packages designed to be incorporated in prefabricated houses found by the National Housing Agency to meet the HH Minimum Property Requirements.

(3) The manufacture and installation of prefabricated sections designed to be incorporated in houses (whether prefabricated or not) found by the National Housing Agency to meet the HH Minimum Property Requirements.

The findings by the National Housing Agency referred to in this paragraph were based upon information submitted by the prefabricator on Form NHA 14–54 or in such other manner as required by the National Housing Agency. Information regarding the HH Minimum Property Requirements is available at the National Housing Agency, Washington 25, D. C., and at all State and District Offices of the Federal Housing Administration.

(g) *Prefabricated panels.* Priorities assistance for Schedule A materials to be incorporated in prefabricated panels was given under this section only to those prefabricators who met one of the following tests:

(1) The prefabricator ships, to each purchaser, all the prefabricated exterior wall panels (as defined in paragraph (b) (4) of this section) of a prefabricated house.

(2) The prefabricator (i) submitted evidence of an agreement he had entered into with one or more prefabricators dividing among them the production responsibility for the manufacture of prefabricated elements designed to be incorporated in a prefabricated house, and (ii) together, these prefabricators ship, to each purchaser, all the prefabricated exterior wall panels of a prefabricated house.

(h) *Prefabricated packages.* The following are special rules on priorities assistance for Schedule A materials to be incorporated in prefabricated packages:

(1) In addition to prefabricated sections and panels, a prefabricated package produced under this section may contain, in the amount provided for in subparagraph (2) of this paragraph, the following "loose materials and equipment":

(i) Mechanical, plumbing, heating, and electrical material and equipment; cooking, refrigeration, and laundry equipment; kitchen cabinets; and

(ii) Other loose materials and equipment.

(2) Priorities assistance was given under this section for Schedule A materials to be included in a prefabricated package as loose materials and equipment only if the dollar value of all loose materials and equipment not listed in subparagraph (1) (i) of this paragraph which are contained in the package is less than one half of the following amount: the dollar value of the entire prefabricated package minus the dollar value of all materials and equipment in the package—whether "loose" or not—listed in subparagraph (1) (i) of this paragraph.

(i) *Prefabricated sections.* Priorities assistance was given under this section for Schedule A materials to be shipped with a prefabricated section to be incorporated in a house whether or not the house is prefabricated. However, such assistance was given only for Schedule A materials listed in paragraph (h) (1) (i) of this section required for installation in or attachment to the prefabricated section, and for the minimum quantities of other loose materials and equipment required for the installation of the prefabricated section.

(j) *Production standards.* Priorities assistance was given under this section only after the National Housing Agency took into consideration the following factors:

(1) The prefabricator's use of scarce materials,

(2) The suitability of his product for low and moderate cost housing under the Veterans' Emergency Housing Program, and

(3) The prefabricator's apparent ability to produce, based upon plant facilities and methods, general experience, distribution facilities and methods, and other relevant considerations.

GRANTING OF AUTHORIZATIONS

(k) *Nature of authorizations.* Priorities assistance granted on Form NHA 14–53 was in the form of authority to place HH rated orders or certified orders for approved quantities of "Schedule A materials" (see paragraph (b) (8) of this section). The authorization covers quantities to be so ordered for delivery in a particular quarter. It may also include an advance authorization enabling the prefabricator (subject to the delivery date restrictions referred to in paragraph (o) of this section) to place such orders for a part of his requirements to be delivered in the next quarter, pending receipt of his regular authorization for that quarter.

(l) *Quantities authorized.* Form NHA 14–53 authorizations are for the following quantities of Schedule A materials:

(1) For the following materials, the permitted quantities are the quantities numerically expressed in the authorization: housing construction lumber, millwork (other than built-in kitchen cabinets), residential hardwood flooring, gypsum board and lath, building board, and construction plywood (softwood).

(2) For the other Schedule A materials (excluding those listed in subparagraph (1) of this paragraph, but including built-in kitchen cabinets), the permitted quantities are the minimum quantities needed to meet the prefabricator's "approved production" requirements (see paragraph (b) (9) of this section).

PREFABRICATORS' USE OF PRIORITIES ASSISTANCE

(m) *Extending customers' ratings.* In accordance with applicable CPA regulations (Priorities Regulation 3 (32 CFR, 944.23) and Direction 8 to Priorities Regulation 33 (32 CFR, 944.54)), a prefabricator must not extend (pass on to his supplier) an HH rating which he receives from a customer.

(n) *Placing orders.* A prefabricator who has been granted priorities assistance on Form NHA 14–53 may place orders for the approved quantities of Schedule A materials (for delivery during the quarter covered by the authorization), as follows:

(1) *Certified orders for construction plywood (softwood).* For construction plywood (softwood), he may place certified orders as explained in CPA Order L–358.

(2) *HH rated orders for other Schedule A materials.* For the other Schedule A materials, he may use an HH rating on his purchase orders. The HH rating may be applied to a purchase order by placing on the order a written certificate as explained in Schedule A to CPA Priorities Regulation 33. This certificate is as set out below:

VETERANS' EMERGENCY HOUSING PROGRAM
APPLICATION SERIAL NUMBER —

I certify to the U. S. Government that an HH rating has been assigned for the materials covered by this order. The materials will be used only for housing accommodations as authorized.

Purchaser

(3) *Former rule for some Schedule A materials.* Before January 1, 1947, CPA Order L–359 provided that prefabricators could place "certified orders," rather than HH rated orders, for housing construction lumber, residential hardwood flooring, and millwork. To place a certified order, a prefabricator used the certificate previously shown in Order L–359, rather than the Schedule A certificate now shown in subparagraph (2) of this paragraph. Purchase orders which have already been placed with the former L–359 certificate need not be re-certified. However, after January 1, 1947, they will be treated as rated orders rather than certified orders.

(o) *Delivery date restrictions.* In accordance with Direction 8 to CPA Priorities Regulation 33 (32 CFR, 944.54), a prefabricator placing certified or HH rated orders under this section must not specify a delivery date which is (1) more than 30 days before the time the materials are to be used by him or (2) later than the end of the third calendar month after the month in which the order is placed. "Delivery date" means the date of delivery at the prefabricator's plant or warehouse.

(p) *Effect of orders placed by prefabricator.* The effect of HH rated and certified orders is controlled by CPA Priorities Regulation 1 (32 CFR, 944.1–20) and certain other CPA regulations and orders. For construction plywood (softwood), the other applicable CPA order is Order L–358. For lumber, residential hardwood flooring, and millwork, it is CPA Order L–359. For all other Schedule A materials, the other applicable CPA regulation is Schedule B to PR 33.

(q) *Use of materials.* In accordance with applicable CPA regulations (PR 1 and Direction 8 to PR 33), materials obtained with priorities assistance may be used only for the purposes for which that assistance was granted. This rule applies to materials obtained under this section or under Direction 8 to CPA Priorities Regulation 33. The rule will continue to apply after December 24, 1946 even though no additional priorities assistance will be granted after that date.

(r) *Disposal of materials.* If a prefabricator is unable to use materials obtained with priorities assistance under this section, or under Direction 8 to CPA Priorities Regulation 33, for the purposes for which the assistance was granted, he may use or dispose of them only as follows:

(1) By "special sale," in accordance with Priorities Regulation 13 (32 CFR, 944.34) of the Civilian Production Administration.

(2) By such other use as may be authorized in writing by the National Housing Agency, upon written application from the prefabricator.

SALES AND PURCHASE RESTRICTIONS

(s) *Prefabricators' and dealers' sales.* In accordance with Direction 8 to CPA Priorities Regulation 33, a prefabricator or a dealer (wholesale or retail) must observe the following rules:

(1) *Unerected sales.* In selling unerected prefabricated sections, panels, or packages produced under this section or Direction 8, a prefabricator or dealer must accept and fill rated orders in preference to unrated orders in accordance with the rules of CPA Priorities Regulation 1.

(2) *Erected sales.* In selling erected prefabricated houses, sections, panels, or packages produced under this section or Direction 8, a prefabricator or dealer must comply with the rules of CPA Priorities Regulation 33, Housing Expediter Priorities Regulation 5, or the Housing Permit Regulation, whichever is applicable. (See paragraphs (u) and (v) of this section.)

(t) *Dealers' purchases.* In accordance with Direction 8 to CPA Priorities Regulation 33, a dealer who receives an HH or HHH rated order from a customer for a prefabricated section, panel, or package produced under this section or Direction 8 may extend the rating to get the item for sale to that customer, or to replace an item sold out of inventory to that customer. A dealer may also place unrated orders.

(u) *Application by builder under HEPR 5.* On or before December 24, 1946 a person eligible under the Veterans' Emergency Housing Program to erect a prefabricated house or section could apply under Housing Expediter Priorities Regulation 5 (§ 803.5) for an authorization to construct and an HH rating. (Before September 10, 1946, such applications were made under CPA Priorities Regulation 33.)

If his application was approved and he begins construction under the authorization issued to him, the builder is subject to all the requirements of the priorities regulation under which his application was approved, including restrictions on sales price and rents, and requirements for preference to veterans, where applicable. When the application was approved, the builder was assigned an HH rating, which he may use to get a prefabricated section, panel, or package and the necessary quantities of the other Schedule A materials. This rating may be applied in accordance with, and sub-

ject to, the limitations of Schedule A to PR 33 and other applicable CPA regulations. (If the builder has not begun construction under an authorization issued under HEPR 5 or PR 33, see paragraph (v) of this section.)

A prefabricator or a dealer could apply in the same way as any other builder, on or before December 24, 1946, if he wished to erect a prefabricated house or section. A prefabricator acting as an erector is subject to the same requirements of HEPR 5 (or PR 33) as a builder.

(v) *Application by builder under Housing Permit Regulation.* On or after December 24, 1946, a person eligible under the Veterans' Emergency Housing Program to erect a prefabricated house or section may apply under the Housing Permit Regulation for an authorization to erect, called a "construction permit." No priorities assistance will be given, however, with a construction permit. Therefore, such a builder may not place rated orders for prefabricated sections, panels, or packages produced under Direction 8 to CPA Priorities Regulation 33 or under this section.

If a builder's application under Housing Expediter Priorities Regulation 5 or Priorities Regulation 33 was approved, but he has not begun construction under the authorization issued to him, he may elect to surrender his authorization and his HH rating and re-apply for a construction permit under the Housing Permit Regulation. In this case he is subject to the requirements of the latter regulation and not HEPR 5 or PR 33, and also may not place HH rated orders.

OTHER PROVISIONS

(w) *Communications and appeals.* Communications regarding the provisions of this section should be addressed to the National Housing Agency, Washington 25, D. C. Any person who considers that compliance with any provision in this section would result in an exceptional and unreasonable hardship on him may appeal for relief. An appeal shall be in the form of a letter in triplicate, addressed to the National Housing Agency, Washington 25, D. C., clearly stating the specific provision appealed from and the grounds for claiming an exceptional and unreasonable hardship.

(x) *Record-keeping requirements.* Each person subject to this section must keep and preserve for at least two years records showing quantities of all Schedule A materials (including prefabricated sections and panels) received and dates of receipt. In addition, each person participating in any transaction to which any rule, regulation or order of the Civilian Production Administration applies must keep and preserve for at least two years the records described in CPA Priorities Regulation 1. The record-keeping requirements of this section have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(y) *Reporting requirements.* Information and reports relating to matters covered by this section, or by Direction 8 to CPA Priorities Regulation 33, may be required from time to time by the National Housing Agency (or person or agency authorized by NHA to make such requests), subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942. The reporting requirements of this section have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(z) *Violations.* Any person who wilfully violates any provision of this section and any person who knowingly makes any statement to any department or agency of the United States, as to any matter within its jurisdiction, which is false in any respect, or who wilfully conceals a material fact in any certificate required to be filed under this section, or who wilfully falsifies any records required to be kept under this section shall, upon conviction thereof, be subject to fine or imprisonment or both, under the Second War Powers Act of 1942, Veterans' Emergency Housing Act of 1946, and other applicable Federal Statutes. Any person who violates any provision of this section may be prohibited from making or obtaining any further deliveries of, or from using, any materials or facilities suitable for housing construction, and may be deprived of priorities assistance for such materials or facilities.

(60 Stat. 207; 56 Stat. 177, as amended; E. O. 9638, 10 F. R. 12591; CPA Directive 42, 11 F. R. 9514)

Issued this 10th day of January 1947.

FRANK R. CREEDON,
Housing Expediter.

[F. R. Doc. 47-349; Filed, Jan. 10, 1947; 4:56 p. m.]

TITLE 30—MINERAL RESOURCES

Chapter VI—Solid Fuels Administration for War, Department of the Interior

[SFAW Order 43]

PART 602—GENERAL ORDERS AND DIRECTIVES

INTERIM DIRECTION TO SHIPPERS OF BITUMINOUS COAL

Notice of Interim Direction No. 10 (11 F. R. 14183), as amended by Amendment No. 1 thereto (11 F. R. 14310), was issued to assure that retail dealers and consumers having the lowest number of days' supply would have an opportunity to acquire at least minimum operating stocks of bituminous coal upon resumption of mining, and to effect an orderly restoration of distribution to the end that the uses most essential to the health and safety of the Nation, and other industrial and commercial activities, would be maintained. Although approximately 25,000,000 tons of coal were lost from production because of the strike, the rate of production is now such as to permit shipments in accordance with the provisions of Revised Regulation No. 32, as amended (11 F. R. 8575, 10282, 11560).

Therefore, *It is ordered,* That:

Notice of Interim Direction No. 10, issued December 8, 1946 (11 F. R. 14183), as amended by Amendment No. 1 thereto (11 F. R. 14310), be and it hereby is revoked.

Distribution of bituminous coal be continued in conformity with the provisions of Revised Regulation No. 32, as amended (11 F. R. 8575; 11 F. R. 10282; 11 F. R. 11560), which remains in full force and effect.

This order does not affect civil or criminal liabilities resulting from violations of Notice of Interim Direction No. 10, as amended (11 F. R. 14183, 14310).

This order shall become effective immediately.

(Sec. 2 (a), 54 Stat. 676; 55 Stat. 236; 56 Stat. 176; 58 Stat. 827; 59 Stat. 658; 60 Stat. 345; Pub. Law 475, 79th Cong.; 41 U. S. C. Prec. 1; 50 U. S. C. App. Sup. 1152 (a), 1162, 633, 645; E. O. 9125, Apr. 7, 1942, 7 F. R. 2719; E. O. 9332, Apr. 19, 1943, 8 F. R. 5355)

Issued this 8th day of January 1947.

J. A. KRUG,
Solid Fuels Administrator for War.

[F. R. Doc. 47-303; Filed, Jan. 13, 1947; 8:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter II—National Guard and State Guard, War Department

PART 201—NATIONAL GUARD REGULATIONS

WARRANT OFFICERS OF THE NATIONAL GUARD

Sections 201.7 to 201.13, inclusive, are hereby rescinded and the following §§ 201.7 to 201.13a are submitted in lieu thereof.

Sec.
201.7 Procurement.
201.8 Eligibility.
201.9 Appointing authorities.
201.10 Federal recognition.
201.11 Warrants.
201.12 Certificate of eligibility.
201.13 Appointments and status in the National Guard of the United States.
201.13a Warrant officers band leaders.

AUTHORITY: §§ 201.7 to 201.13a, inclusive, issued under 48 Stat. 155; 32 U. S. C. 4.

§ 201.7 *Procurement*—(a) *Initial procurement.* In the initial reorganization of the National Guard, Federal recognition and the appointment in the National Guard of the United States in the grade of warrant officer, junior grade, and chief warrant officer will be limited to those individuals with honorable and creditable service as officers or warrant officers and enlisted men of the first three grades in the armed forces of the United States: *Provided,* That in cases where applicants have satisfactorily demonstrated their ability by actual performance of duties commensurate with the appointment for which they are making application for a period of not less than 6 months during the period September 16, 1940, to December 31, 1946, while on duty with the Army of the United States or the National

Guard of the United States, the written examination may be waived at the discretion of the president of the board.

(b) *Continuing procurement.* After initial reorganization, warrant officers will be obtained from the following sources:

(1) Individuals with honorable and creditable service as officers or warrant officers in the armed forces of the United States.

(2) Qualified noncommissioned officers with appropriate length of service.

(3) Graduate aviation cadets.

§ 201.8 *Eligibility*—(a) *Leadership.* An applicant must have demonstrated positive qualities of leadership.

(b) *Character.* No applicant who has been sentenced to confinement in a penitentiary, or who has been convicted in any civil or military court for an offense denounced as a felony, will be eligble for appointment. Evidence of the applicant's character while in the military service will be considered in forwarding application.

(c) *Age.* An applicant must have attained his twenty-first birthday and must not have reached his sixtieth birthday on the date of appointment.

(d) *Citizenship.* An applicant must be a citizen of the United States.

(e) *Physical.* The standard of final physical examination will be that required for commission in the Army of the United States.

(f) *Education and experience.* An applicant must have such education or practical experience as will insure his satisfactory performance of the duties in the classification for which application is made.

§ 201.9 *Appointing authorities.* Appointment will be made by the Governor of the State or Territory concerned and for the District of Columbia by the President of the United States.

§ 201.10 *Federal recognition*—(a) *Application.* Application for recognition of a warrant officer will be made by the State adjutant general to the Chief, National Guard Bureau, on the form provided for application for recognition of officers and will be accompanied by the following:

(1) Oath of office made out on WD NGB Form 337.[1]

(2) Report of physical examination on WD NGB Form 63.[1]

(3) Copy of order announcing appointment.[1]

(4) Results of the examination entered on WD NGB Form 89.[1]

(b) *Requirements for Federal recognition.* Federal recognition will not be granted to a warrant officer unless requirements have been met.

(c) *Termination of recognition.* The recognitions of National Guard warrant officers terminate under the same provisions as those of officers.

(d) *Withdrawal of recognition.* The recognitions of National Guard warrant officers will be withdrawn under the same provisions as those of officers.

§ 201.11 *Warrants.* Warrants will be issued by order of the appointing power and will correspond in form to those issued to warrant officers of the Regular Army.

§ 201.12 *Certificate of Eligibility.* WD NGB Form 89a[1] (Certificate of Eligibility) is a written statement by the Chief, National Guard Bureau, that the individual named therein has satisfactorily completed the test and has met the qualifications prescribed for warrant officers in a particular classification and is therefore qualified for appointment as such. If appointment for which an applicant is certified as eligible is made within 2 years from the date shown on this certificate, Federal recognition will be extended without further examination other than physical.

§ 201.13 *Appointments and status in the National Guard of the United States.* (a) Warrant officers of the National Guard may be appointed in the National Guard of the United States, and hold warrants in the Army of the United States, under the same regulations as apply to officers of the National Guard.

(b) Warrant officers of the National Guard may qualify for appointment as officers in the National Guard of the United States under the provisions of Army Regulations.

§ 201.13a *Warrant officers band leaders*—(a) *General.* The provisions of §§ 201.7 to 201.13, inclusive, apply to warrant officer band leaders.

(b) *Examining boards.* The examining board will consist of two commissioned officers and one band leader not below the grade of warrant officer, junior grade.

(c) *Examinations*—(1) *Preliminary examination.* The preliminary examination will be as prescribed by the examining board.

(2) *Final examination.* A candidate to be eligible for warrant officer band leader will first demonstrate aptitude for conducting. Failure to demonstrate this qualification to a satisfactory degree will disqualify the candidate. The subject matter to be included in the entire examination is:

(i) Conducting a military band.
(ii) Dictation.
(iii) Sight singing.
(iv) Pitch discrimination.
(v) Instructor test (personal selection of one instrument, band or orchestra, including piano or organ).
(vi) Questionnaire (general musical topics).
(vii) Arranging (for military band from piano and organ scores).
(viii) Harmony.

[National Guard Regulations No. 22, 12 Nov. 1946]

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-305; Filed, Jan. 13, 1947; 8:46 a. m.]

[1] Forms not filed with Division of the Federal Register.

Chapter XI—Office of Temporary Controls, Office of Price Administration

PART 1305—ADMINISTRATION

[Gen. Order 76]

HEARING ADMINISTRATOR AND HEARING COMMISSIONERS; DELEGATION OF AUTHORITY

Pursuant to the authority conferred upon the Administrator by the Emergency Price Control Act of 1942, as amended, and the Stabilization Act of 1942, as amended, and by Executive Order No. 9250 of October 3, 1942, Executive Order No. 9328 of April 8, 1943, and Executive Order No. 9809 of December 12, 1946 and in furtherance of section 7 (b) (2) of Directive No. 41, issued by the Economic Stabilization Director on April 23, 1945, the following order is prescribed:

(a) The Hearing Administrator, the Deputy Hearing Administrator, the Assistant Hearing Administrators, and the several Hearing Commissioners are authorized:

(1) To determine whether any subsidy applicant has violated any substantive provision of a meat or livestock regulation or order heretofore or hereafter issued by the Office of Price Administration pursuant to the Emergency Price Control Act of 1942, as amended, and to issue a determination setting forth findings of fact and conclusions of law with respect to the violations alleged, including the period of time during which any violation is found to have occurred;

(2) To administer oaths and affirmations, to hold and preside over hearings in such determination proceedings and to exercise any discretion necessary or appropriate to the conduct of such hearings;

(3) To sign and issue subpoenas requiring any person to appear and testify or to appear and produce books or records or any other documentary or physical evidence, or both, at such hearings.

(b) The Hearing Administrator is authorized to consider and determine all appeals from such determinations and to issue such orders and take such action thereon as may be appropriate in the premises. Whenever the Hearing Administrator shall declare himself personally disqualified or shall for any other reason be unable or consider it impracticable personally to exercise the authority delegated in this paragraph, then the Deputy Hearing Administrator or, upon designation by the Hearing Administrator, any Assistant Hearing Administrator is authorized to perform the functions set forth in this paragraph.

(c) Any decision made, order issued or action taken by the Hearing Administrator, the Deputy Hearing Administrator, the Assistant Hearing Administrators, or by any Hearing Commissioner pursuant to this General Order 76, shall have the same force and effect, as if made, issued or taken by the Administrator.

(d) This General Order 76 shall become effective on the 13th day of January 1947.

Issued this 13th day of January 1947.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 47-368; Filed, Jan. 13, 1947; 11:40 a. m.]

Chapter XVII—Office of Scientific Research and Development

[Administrative Order 6]

PART 1900—ORGANIZATION

MISCELLANEOUS AMENDMENTS

DECEMBER 20, 1946.

Pursuant to the authority contained in Executive Order No. 8807, dated June 28, 1941, Executive Order No. 9389, dated October 18, 1943, and other provisions of law, and in order to effect the orderly and economical liquidation of the affairs of the Office of Scientific Research and Development; *It is hereby ordered*, That:

Effective December 31, 1946, this administrative order supersedes Administrative Order No. 4, dated November 8, 1943, as amended, which is hereby rescinded, together with Administrative Orders No. 1, 2, and 3, without prejudice, however, to any lawful and proper act performed prior to December 31, 1946 pursuant to authority contained in said Administrative Orders No. 1, 2, 3, and 4.

1. Section 1900.3 (11 F. R. 177A-711) is revised to read as follows:

§ 1900.3 *Principal subdivisions.* The principal subdivisions of the Office of Scientific Research and Development shall be:

(a) The National Defense Research Committee, created by section 7 of Executive Order No. 8807, the duties of which shall be to advise and assist the Director as specified in section 7.

(b) The Committee on Medical Research, created by section 8 of Executive Order No. 8807, the duties of which shall be to advise and assist the Director as specified in section 8.

(c) The Administrative Office, at the head of which shall be an Executive Secretary appointed by the Director. Under the general supervision and direction of the Director and subject to the provisions of section 10 of Executive Order No. 8807, the Administrative Office shall have charge of (1) the administrative affairs of the Office of Scientific Research and Development, (2) such scientific and technical affairs of the Office of Scientific Research and Development, necessary for or incidental to the liquidation thereof, as may be transferred or assigned to the Administrative Office by the Director, the Chairman of the National Defense Research Committee, or the Chairman of the Committee on Medical Research (3) the records of the Office of Scientific Research and Development.

2. Section 1900.4 (11 F. R. 177A-711) is revised to read as follows:

§ 1900.4 *Delegations of authority.* (a) Subject to all the limitations and restrictions applicable to the acts of the Director, the Chairman of the National Defense Research Committee is authorized (1) to discharge all duties and to exercise all powers of the Director during the absence or disability of the Director, (2) to discharge such duties and to exercise such powers of the Director in the field of the National Defense Research Committee designated by section 7 of Executive Order 8807, as amended, as may be delegated to him from time to time by the Director, and (3) to delegate any power or duty of the Chairman except the powers and duties set forth in subparagraph (1) of this paragraph to such assistant as he may designate with the approval of the Director.

(b) Subject to all limitations and restrictions applicable to acts of the Director, the Chairman of the Committee on Medical Research is authorized: (1) to discharge such duties and exercise such powers of the Director in the field of the Committee on Medical Research designated by section 8 of Executive Order No. 8807, as may be delegated to him from time to time by the Director, and (2) to delegate any power or duty of the Chairman to such assistant as he may designate with the approval of the Director.

(c) Subject to all the limitations and restrictions applicable to the acts of the Director and under the general supervision and direction of the Director, the Executive Secretary is authorized (1) to negotiate and enter into contracts and supplements, amendments, modifications or extensions of contracts, heretofore or hereafter made in connection with the functions of the Office of Scientific Research and Development and its officers, (2) to approve or disapprove the form, terms, and/or conditions of subcontracts under prime contracts of the Office of Scientific Research and Development, (3) to incur and release such obligations and to settle such contract claims as may be necessary to accomplish such functions, *Provided*, That settlement of all contract or subcontract termination claims in excess of $25,000 shall be subject to the approval of the Office of Scientific Research and Development Contract Settlement Review Board, (4) to authorize Office of Scientific Research and Development contractors to settle with subcontractors termination claims not exceeding $10,000, without further review by the Government whenever the reliability of the contractor, the amount or nature of the claim, or other reasons appear to justify such action, (5) to issue such regulations as the Executive Secretary deems necessary to carry out the policies, principles, methods, procedures, and standards prescribed by the Contract Settlement Act of 1944 and the regulations issued thereunder by the Director of the Office of Contract Settlement, (6) to review and approve or disapprove in accordance with the requirements of the General Accounting Office vouchers submitted under contracts and all other types of vouchers, (7) to authorize or approve travel, use of extra-fare trains, superior Pullman accommodations, and seats in sleeping or parlor cars for trips of two hours duration or less, and certify long distance telephone calls in connection with such functions, (8) acting as Contracting Officer of the Office of Scientific Research and Development to designate as his "authorized representatives" under contracts the appropriate officials, employees, or appointees of the Office of Scientific Research and Development or officials, employees, or appointees of other Government agencies who have been detailed to the Office of Scientific Research and Development, (9) to exercise the powers and duties vested in the Director and/or the Office of Scientific Research and Development by Appropriation Acts applicable to the Office of Scientific Research and Development, the Surplus Property Act of 1944, the Contract Settlement Act of 1944, Executive Order No. 9218, and all other applicable laws concerning acquisition, use and disposition of property, (10) to effect transfers and retransfers of funds, (11) to exercise such powers and duties as may be delegated to him by the Director, the Chairman of NDRC, and the Chairman of CMR, or any of them, and (12) to delegate any power or duty of the Executive Secretary hereof to such official of the OSRD as he may designate with the approval of the Director.

(E. O. 8807, June 28, 1941, 3 CFR, Cum. Supp., E. O. 9389, Oct. 18, 1943, 3 CFR, 1943 Supp.)

VANNEVAR BUSH,
Director, Office of Scientific Research and Development.

[F. R. Doc. 47-321; Filed, Jan. 13, 1947; 8:49 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

PART 95—CAR SERVICE

[S. O. 662-A]

RESTRICTION OF CORN FOR EXPORT THROUGH GULF PORTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 7th day of January A. D. 1947.

Upon further consideration of Service Order No. 662 (11 F. R. 14730), and good cause appearing therefor: it is ordered, that:

Service Order No. 662 (codified as 49 CFR § 95.662), *Corn for export through Gulf ports restricted*, be, and it is hereby, suspended.

It is further ordered, that this order shall become effective at 12:01 a. m., January 8, 1947; that a copy of this order and direction be served upon the Asso-

ciation of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101; sec. 402, 41 Stat. 476; sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 47-308; Filed, Jan. 13, 1947; 8:47 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

TRANSFER OF VESTED PROPERTY TO THE PHILIPPINE ALIEN PROPERTY ADMINISTRATOR

Under the authority of the Trading with the Enemy Act, as amended, the Philippine Property Act of 1946, Executive Order 9788, Executive Order 9818, and pursuant to law, it is hereby found:

1. That all property vested by the Vesting Orders enumerated and described in Exhibit A, attached hereto and by reference made a part hereof, which Vesting Orders are by reference made a part hereof, was located in the Philippines at the time of such vesting.

2. That all of the property described in Exhibit B, attached hereto and by reference made a part hereof, and any and all claims for rents refunds, benefits and other payments arising from the ownership of said property, vested by the Vesting Orders therein designated, was located in the Philippines at the time of such vesting.

3. That the property described in Exhibit C, attached hereto and by reference made a part hereof, vested by the Vesting Orders therein designated was located in the Philippines at the time of such vesting, and, by an instrument dated August 22, 1946, executed by and between James E. Markham, as Alien Property Custodian of the United States of America, and Manuel Roxas, as President of the Philippines, was transferred to the Philippine Government, upon agreement for indemnification of the United States by the Philippine Government for certain claims, and reimbursement for certain costs and expenses of administration,

4. That the property vested by Vesting Order No. P-5, dated January 25, 1946, effective January 31, 1946, and published in the FEDERAL REGISTER on February 2, 1946 (11 Fed. Reg. 1320) consisting of 1200 rolls or bobbins of white cigarette paper manufactured by the Nippon Fujikawa Paper Manufacturing Co., Ltd., of Japan, which, at the effective date of such Vesting Order No. P-5, was stored in the warehouse of La Serpiente Cigar and Cigarette Factory, 141 Gral. Geronimo Street, District of Sampaloc, City of Manila, Commonwealth of the Philippines, being part of those described in EPC-F2 (Receipt No. 77) signed by Lt. K. M. Thompson, Purchasing and Contracting Division, Hq. Base X, U. S. Army, was located in the Philippines at the time of such vesting, has been sold by the Alien Property Custodian and that the proceeds of such property are presently in the possession of the Attorney General of the United States.

There is hereby transferred to the Philippine Alien Property Administrator, pursuant to the direction of the President of the United States by, and in compliance, with, said Executive Order

(a) All right, title and interest of the Attorney General in and to the property described in the Vesting Orders enumerated and described in Exhibit A, attached hereto and by reference made a part hereof, together with all income therefrom held by the Attorney General of the United States, which income constitutes proceeds of such property.

(b) All right, title and interest of the Attorney General in and to the property described in Exhibit B, attached hereto and by reference made a part hereof, and any and all claims for rents, refunds, benefits and other payments arising from the ownership of such property, together with all income therefrom, which income constitutes proceeds of such property.

(c) All right to indemnification by the Philippine Government for claims payable by the United States under the Trading with the Enemy Act, as amended, with respect to the property described in Exhibit C, attached hereto and by reference made a part hereof, which property was transferred by the agreement described in sub-paragraph 3 hereof, which right arises out of the obligation for indemnification assumed by the Philippine Government by said agreement and all right of reimbursement from the Philippine Government pursuant to said agreement for such costs and expenses of administration with respect to the property transferred thereunder, arising after the date hereof, as may by law be charged and

(d) All right, title and interest of the Attorney General in and to the proceeds received from the sale of the property described in sub-paragraph 4 hereof;

subject, however, to such costs and expenses of the Alien Property Custodian, the Office of Alien Property Custodian, and the Office of Alien Property, Department of Justice, as are chargeable against such property by or on behalf of the Attorney General, pursuant to arrangements for the collection of such expenses heretofore made between the Director, Office of Alien Property, and the Philippine Alien Property Administrator.

(40 Stat. 411; 55 Stat. 839; 60 Stat. 50; Pub. Law 322, 79th Cong.; 60 Stat. 418; Pub. Law 485, 79th Cong.; Pub. Law 671, 79th Cong.; 50 U. S. C. App. 1; 50 U. S. C. App. Sup. 616; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981; E. O. 9818, Jan. 7, 1947, 12 F. R. 133)

Executed at Washington, D. C., on January 9, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK, *Director.*

Approved:

TOM C. CLARK, *Attorney General.*

EXHIBIT A

Vesting order No.	Date signed	Date effective	Federal Register citation 11 F. R.
1. P-6	Jan. 29, 1946	Feb. 18, 1946	1828
2. P-7	Jan. 31, 1946	Feb. 13, 1946	1674
3. P-8	Feb. 12, 1946	Mar. 15, 1946	2857
4. P-9	do	do	2857
5. P-10	do	do	2858
6. P-11	do	Apr. 4, 1946	3711
7. P-12	Feb. 18, 1946	Mar. 15, 1946	2858
8. P-15	Mar. 11, 1946	Mar. 29, 1946	3426
9. P-16	do	do	3427
10. P-17	Mar. 14, 1946	Apr. 11, 1946	4099
11. P-18	Mar. 29, 1946	Apr. 19, 1946	4479
12. P-20	do	do	4480
13. P-21	do	do	4486
14. P-23	Apr. 1, 1946	do	4482
15. P-24	do	do	4483
16. P-25	Apr. 8, 1946	Apr. 26, 1946	4707
17. P-26	do	Apr. 29, 1946	4746
18. P-27	Apr. 22, 1946	May 13, 1946	5320
19. P-28	do	do	5322
20. P-29	Apr. 23, 1946	do	5322
21. P-30	do	do	5319
22. P-31	Apr. 25, 1946	June 7, 1946	6358
23. P-32	May 7, 1946	June 5, 1946	6215
24. P-33	May 10, 1946	do	6216
25. P-34	do	do	6216
26. P-36	do	do	6217
27. P-37	do	do	6218
28. P-39	do	do	6219
29. P-40	do	do	6220
30. P-41	May 13, 1946	do	6221
31. P-44	May 20, 1946	do	6223
32. P-46	May 29, 1946	June 13, 1946	6659
33. P-47	do	do	6659
34. P-48	do	do	6736
35. P-50	May 31, 1946	June 18, 1946	6899
36. P-51	do	do	6900

EXHIBIT B

1. All property of any nature whatsoever located within the Philippines, which was vested by Vesting Order No. P-1, dated January 7, 1946, effective January 21, 1946, and published in the FEDERAL REGISTER on January 23, 1946 (11 F. R. 850), and which was, on the effective date of said Vesting Order, owned or controlled by, payable or deliverable to, or held on behalf of or on account of or owing to the Manila, P. I. branch of The Yokohama Specie Bank, Ltd., including but not limited to the cash which was on deposit with the Manila Clearing House Association on December 29, 1941, in the amount of 2,886,570.68 Philippine pesos.

2. All property of any nature whatsoever located within the Philippines, which was vested by Vesting Order No. P-4, dated January 7, 1946, effective January 21, 1946, and published in the FEDERAL REGISTER on January 23, 1946 (11 F. R. 850), and which was, on the effective date of said Vesting Order, owned or controlled by, payable or deliverable to, or held on behalf of or on account of, or owing to, the branches in the Philippines of the Bank of Taiwan, Ltd., including but not limited to the cash which was on deposit with

the Manila Clearing House Association on December 29, 1941, in the amount of 233,410.26 Philippine pesos.

3. Real property vested by Vesting Order No. P-13, dated March 11, 1946, effective March 29, 1946, and published in the FEDERAL REGISTER on April 2, 1946 (11 F. R. 3424), which property is particularly described in Exhibit A of said Vesting Order and all other property of any nature whatsoever located within the Philippines which was, on the effective date of said Vesting Order, owned or controlled by, payable or deliverable to, or held on behalf of or on account of, or owing to Baguio Japanese Association, including all right, title and interest of whatsoever kind or nature of any and all of the members of Baguio Japanese Association and of each and all other nationals, whomsoever they may be, of Germany and Japan, in and to said property on such effective date, all of which property was vested by said Vesting Order No. P-13.

4. Real property vested by Vesting Order No. P-14, dated March 11, 1946, effective March 29, 1946, and published in the FEDERAL REGISTER on April 2, 1946 (11 F. R. 3425), which property is particularly described in Exhibit A of said Vesting Order; and 20 shares of stock of The Shoko Shimpo Sha, Inc., a corporation organized under Philippine law, which shares of stock are described in said Vesting Order No. P-14, together with all declared and unpaid dividends thereon; and all other property of any nature whatsoever located within the Philippines which was, on the effective date of said Vesting Order, owned or controlled by, payable or deliverable to, or held on behalf of or on account of, or owing to Japanese Association of Manila, Inc., including all right, title and interest of whatsoever kind or nature of each and all members of Japanese Association of Manila, Inc., and each and all other nationals, whomsoever they may be, of Germany and Japan, in and to said property on such effective date, all of which property was vested by said Vesting Order No. P-14.

5. Real property, vested by Vesting Order No. P-19, dated March 29, 1946, effective April 19, 1946, and published in the FEDERAL REGISTER on April 23, 1946 (11 F. R. 4479), which property is more particularly described in Exhibits A and B attached to said Vesting Order No. P-19, and all other property of any nature whatsoever located in the Philippines which was, on the effective date of said Vesting Order, owned or controlled by, payable or deliverable to, or held on behalf of or on account of or owing to, the Nippon Club, Manila, Philippine Islands, all of which property was vested by said Vesting Order No. P-19.

6. Real property vested by Vesting Order No. P-35, dated May 10, 1946, effective June 5, 1946, and published in the FEDERAL REGISTER on June 7, 1946 (11 F. R. 6217), which property is described as

Real property (excepting timber concessions), situated in the Sitio of Pata, Municipality of Glaveria, Province of Cagayan, Republic of the Philippines, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rent, refunds, benefits or other payments arising from the ownership of such property transferred by a certain Deed of Sale dated November 3, 1943, executed by and between Philippine Red Lumber Co., Inc., through its president, Dee Hong Lue, as vendor, and Nippon Mokuzai Kabushiki Kaisha, as vendee; and

all other property of any nature whatsoever located in the Philippines, which was, on the effective date of said Vesting Order, owned or controlled by, payable or deliverable to, or held on behalf of or on account of, or owing to, Nippon Mokuzai Kabushiki Kaisha, all of which property was vested by said Vesting Order No. P-35.

7. Real property vested by Vesting Order No. P-38, dated May 10, 1946, effective June 5, 1946, and published in the FEDERAL REGISTER on June 7, 1946 (11 F. R. 6218), including that real property which is particularly described in Exhibit A attached to said Vesting Order No. P-38, and all other property of any nature whatsoever located in the Philippines which was, on the effective date of said Vesting Order, owned or controlled by, payable or deliverable to, or held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, Onoda Cement Company, including but not limited to that certain Membership Fee Certificate in Wack Wack Golf and Country Club, Inc., a corporation organized under Philippine law, which Membership Fee Certificate was on such effective date registered in the name of Onoda Cement Company, and all rights evidenced by said Certificate, all of which property was vested by said Vesting Order No. P-38.

8. Real property vested by Vesting Order No. P-42, dated May 20, 1946, effective June 5, 1946, and published in the FEDERAL REGISTER on June 7, 1946 (11 F. R. 6221), which property is particularly described in Exhibit A attached to said Vesting Order No. P-42, and all other property of any nature whatsoever located in the Philippines which was, on the effective date of said Vesting Order, owned or controlled by, payable or deliverable to, or held on behalf of or on account of, or owing to the Davao Commercial Co., Inc., including but not limited to personal property located in the improvements to the real property described above, which personal property is particularly described in Exhibit B attached to said Vesting Order No. P-42, all of which property was vested by said Vesting Order No. P-42.

9. Real property vested by Vesting Order No. P-43, dated May 20, 1946, effective June 5, 1946, and published in the FEDERAL REGISTER on June 7, 1946 (11 F. R. 6222), which property is particularly described in Exhibits A, B and C attached to said Vesting Order No. P-43, and all other property of any nature whatsoever located in the Philippines which was, on the effective date of said Vesting Order, owned or controlled by, payable or deliverable to, or held on behalf of or on account of, or owing to, Hito Kopura Toosei Komiai, also known as the Philippine Copra Control Association, all of which property was vested by said Vesting Order No. P-43.

10. Real property vested by Vesting Order No. P-45, dated May 20, 1946, effective June 5, 1946, and published in the FEDERAL REGISTER on June 7, 1946 (11 F. R. 6223), including that real property which is particularly described in Exhibit A attached to said Vesting Order No. P-45, and all other property of any nature whatsoever located in the Philippines which was, on the effective date of said Vesting Order, owned or controlled by, payable or deliverable to, or held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, Tokyo Seiko Kabushiki Kaisha, including but not limited to two Membership Fee Certificates in Wack Wack Golf and Country Club, Inc., a corporation organized under Philippine law, which membership Fee Certificates were on such effective date registered in the name of Tokyo Seiko Kabushiki Kaisha or Tokyo Seiko Kaisha, Ltd., and all rights evidenced by said Certificates, all of which property was vested by said Vesting Order No. P-45.

11. Real property vested by Vesting Order No. P-49, dated May 29, 1946, effective June 13, 1946, and published in the FEDERAL REGISTER on June 18, 1946 (11 F. R. 6741), which property is particularly described in Exhibit A attached to said Vesting Order No. P-49, and all other property of any nature whatsoever located in the Philippines which was, on the effective date of said Vesting Order, owned or controlled by, payable or deliverable to, or held on behalf of or on account of, or owing to, The Hito Unkobu, also known as the Philippine Marine Transportation Bureau, all of which property was vested by said Vesting Order No. P-49.

EXHIBIT C

(a) That property vested by Vesting Order No. P-2, dated January 7, 1946, effective January 8, 1946, and published in the FEDERAL REGISTER on January 10, 1946 (11 F. R. 496) consisting of 9,975 shares of the ₱100 par value capital stock of Furukawa Plantation Company, a corporation organized and doing business under the laws of the Philippines and any and all additional shares of stock of Furukawa Plantation Company or the right to subscribe to and receive such additional shares which accrued or may accrue to the shares herein described, or the holders thereof, by virtue of any action taken to increase the capital stock of Furukawa Plantation Company;

(b) That property vested by Vesting Order No. P-3, dated January 7, 1946 effective January 8, 1946, and published in the FEDERAL REGISTER on January 10, 1946 (11 F. R. 497), consisting of 2,430 shares of ₱100 par value capital stock of Ohta Development Company, Inc., a corporation organized and doing business under the laws of the Philippines, and any and all additional shares of stock of Ohta Development Company, Inc., or the right to subscribe to and receive such additional shares which accrued or may accrue to the shares described herein, or the holders thereof, by virtue of any action taken to increase the capital stock of Ohta Development Company, Inc., and

(c) That property vested by Vesting Order No. P-22, dated April 1, 1946 effective April 19, 1946, and published in the FEDERAL REGISTER on April 23, 1946 (11 F. R. 4481), being all of the capital stock of Gui Hing Plantation Company, a corporation organized under the laws of the Philippines, together with all declared and unpaid dividends thereon.

[F. R. Doc. 47-320; Filed, Jan. 13, 1947; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, General Permit 4]

RECONSIGNMENT OF PERISHABLES AT PHILADELPHIA, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Philadelphia, Pennsylvania, prior to 11:59 p. m., January 8, 1947, of any carload shipment of perishables which arrived at Philadelphia prior to 12:00 noon, January 7, 1947.

The waybill shall show reference to this general permit.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 7th day of January 1947.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 47-307; Filed, Jan. 13, 1947; 8:47 a. m.]